

EXHIBIT 5

Emily Timm

April 22, 2022
Pages 2 to 5

<div>Page 2</div> <div>LULAC TEXAS, et al., Plaintiffs, V. JOHN SCOTT, et al., Defendants. ----- MI FAMILIA VOTA, et al., Plaintiffs, V. GREG ABBOTT, et al., Defendants. ----- UNITED STATES OF AMERICA, Plaintiffs, V. THE STATE OF TEXAS, ET AL., Defendants. -----</div>	<div>Page 4</div> <div>A P P E A R A N C E S ON BEHALF OF THE PLAINTIFFS: URJA MITTAL, ESQ. SOPHIA L. CAI, ESQ. Jenner & Block LLP 1099 New York Ave. NW Suite 900 Washington, DC 20001 Telephone: (202) 369-6000 umittal@jenner.com scail@jenner.com ON BEHALF OF THE DEFENDANTS: ARI M. HERBERT, ESQ. Office of the Attorney General P.O. Box 12548 (MC-009) Austin, Texas 78711 Telephone: (512) 463-2100 ari.herbert@oag.texas.gov VIDEOGRAPHER: Manuel Martin Mamartin73@gmail.com ALSO PRESENT VIA ZOOM: Jacqueline Villarreal, Hidalgo County ADA Jarrett Dillard, Reed Smith Ashley Harris, ACLU of Texas Alex Trepp, Jenner & Block Kathleen Hunker, TX Attorney General Special Counsel Kelsey Pormasodoro, DOJ Juan Estrada, Fried Frank Law Clerk Savannah Kumar, ACLU of Texas Sarah Chen, Texas Civil Rights Project</div>
<div>Page 3</div> <div>ORAL & VIDEO DEPOSITION OF EMILY TIMM April 22, 2022 ----- Oral deposition of EMILY TIMM, produced as a witness at the instance of the defendants, and duly sworn, was taken in the above-styled and numbered cause on the 22nd day of April, 2022, before Patrick Stephens, Certified Court Reporter, at 1405 Montopolis Drive, Austin, Texas 78741.</div>	<div>Page 5</div> <div>1 I N D E X 2 APPEARANCES 02 3 EMILY TIMM 4 Cross-Examination by Mr. Herbert 06 5 6 7 Reporter's Certificate 214 8 9 10 E X H I B I T S 11 12 NO. DESCRIPTION PAGE 13 1 Depo Notice 08 14 2 2nd Amended Complaint 11 15 3 Interrogatories 13 16 4 Twitter Screenshot 39 17 5 Twitter Screenshot 40 18 6 Tweet 41 19 7 Senate Bill 1 100 20 8 Texas Election Code 193 21 9 Objections & Responses 194 22 23 24 25</div>

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<p style="text-align: right;">Page 58</p> <p>1 Q Okay.</p> <p>2 MS. MITTAL: Counsel, when -- whenever you're at</p> <p>3 a stopping point, do you think it would make sense to take a</p> <p>4 break?</p> <p>5 MR. HERBERT: Sure. Yeah, just -- let's see.</p> <p>6 Yeah, I wanted to ask a little bit more about voter education.</p> <p>7 I'm sort of partway through. We can stop here if you'd like and</p> <p>8 just pick back up on voter education. Maybe -- otherwise maybe</p> <p>9 10 to 12 minutes to -- to a stopping point.</p> <p>10 MS. MITTAL: Ms. Timm, would you like to take a</p> <p>11 break now?</p> <p>12 THE WITNESS: That would be great.</p> <p>13 MS. MITTAL: Okay. Then we'll do that.</p> <p>14 VIDEOGRAPHER: We are off the record at 11:18.</p> <p>15 (A recess was taken.)</p> <p>16 VIDEOGRAPHER: We are back on the record at</p> <p>17 11:32.</p> <p>18 BY MR. HERBERT (resuming):</p> <p>19 Q Okay, Ms. Timm. Good to be back. We were talking</p> <p>20 about Workers Defense Action Fund's education for voters about</p> <p>21 the voting process before we went on break. You had mentioned</p> <p>22 that there were -- that how you've -- that how Workers Defense</p> <p>23 Action Fund educates voters about the voting process is by --</p> <p>24 through digital and through flyers; is that right?</p> <p>25 A And through conversations, yes.</p>	<p style="text-align: right;">Page 60</p> <p>1 A Yes.</p> <p>2 Q Okay. So, for example, did Workers Defense Action</p> <p>3 Fund tell voters that they could hand-deliver their mail-in</p> <p>4 ballot for the November 2020 election before election day?</p> <p>5 A Yes, we did.</p> <p>6 Q Okay. And do you inform voters about changes to</p> <p>7 election laws?</p> <p>8 A Yes.</p> <p>9 Q Okay. So Workers Defense Action Fund conducts --</p> <p>10 conducts the same type of voter-education work in 2022 that it</p> <p>11 did in 2020; is that right?</p> <p>12 A We -- as I mentioned, we've only done very limited</p> <p>13 work in the primary. Most of our work would be ahead of us for</p> <p>14 the remainder of this year and we're determining how that will</p> <p>15 be impacted by SB1 and determining if it will change how we do</p> <p>16 our work.</p> <p>17 Q Okay. When do you think you'll be able to make that</p> <p>18 determination?</p> <p>19 A Probably in the next few months that we're preparing</p> <p>20 for our -- the voter-education programs.</p> <p>21 Q Okay. And how do you think you will make that</p> <p>22 determination?</p> <p>23 A I mean, we're consulting with legal counsel about the</p> <p>24 risks that our organization would incur under SB1, particularly</p> <p>25 related to conversations at the door, the -- the challenges of</p>
<p style="text-align: right;">Page 59</p> <p>1 Q And through conversations. Okay. Thank you. And you</p> <p>2 had mentioned that these were both official events and also</p> <p>3 informal; is that right?</p> <p>4 A Yes. Primarily through official events or through</p> <p>5 digital. It's not really events.</p> <p>6 Q Okay. And forgive me if I -- if I already asked this,</p> <p>7 I'm just forgetting, but are these efforts directed at members</p> <p>8 only or at the community at large?</p> <p>9 A They're primarily directed at members, but also we do</p> <p>10 voter-rights education for the community at large, so yes.</p> <p>11 Q Okay. Is this by staff or volunteers?</p> <p>12 A By both staff and volunteers.</p> <p>13 Q Okay. So as part of your voter-education work, do you</p> <p>14 inform voters about polling locations?</p> <p>15 A Yes.</p> <p>16 Q What if polling locations change? Do you inform</p> <p>17 voters about the change?</p> <p>18 A Yes.</p> <p>19 Q Okay. Do you inform voters about polling hours?</p> <p>20 A Yes.</p> <p>21 Q And what about -- do you inform voters about different</p> <p>22 voting options, for example, mail-in voting or curbside voting?</p> <p>23 A Yes.</p> <p>24 Q Okay. Do you let voters know when their voting</p> <p>25 options change?</p>	<p style="text-align: right;">Page 61</p> <p>1 informing workers about vote by mail, as we have in the past</p> <p>2 when we've encouraged voters who that is sort of the most</p> <p>3 accessible option for them, after seeing the results of the</p> <p>4 primary election with so many voter -- vote-by-mail ballots</p> <p>5 being rejected, we're considering how we would need to expand or</p> <p>6 develop our communications around how to avoid those challenges</p> <p>7 over rejected ballots if you were to use vote by mail and</p> <p>8 whether that would continue to be something that we would talk</p> <p>9 to voters about. So just a lot of considerations of how SB1 is</p> <p>10 making it more difficult for the voters we're talking to to --</p> <p>11 to vote and how that will impact our approach and if it will</p> <p>12 change it.</p> <p>13 Q Okay. So you had mentioned that you had spent about</p> <p>14 \$200,000 on digital for the -- for Workers Defense Action Fund's</p> <p>15 education program for candidates running for election. How much</p> <p>16 did Workers Defense Action Fund -- it spend on its</p> <p>17 voter-education program in toto in 2020 altogether?</p> <p>18 A I don't have that exact number. A large portion of</p> <p>19 the expenses were related to the digital program, so it was</p> <p>20 probably a little bit more than that.</p> <p>21 Q Okay. So roughly in the same ballpark.</p> <p>22 A I would say 2 -- yeah, something like that, but I'm</p> <p>23 not sure exactly.</p> <p>24 Q Okay.</p> <p>25 A Yeah.</p>

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<p style="text-align: right;">Page 210</p> <p>1 as that first person we spoke about, but to the extent that</p> <p>2 you're just -- as you said earlier, Zach, that you're willing to</p> <p>3 just, as an Option 3, just not use any of these people, then we</p> <p>4 don't need the names. That's fine with us.</p> <p>5 MR. MIRZA: And that's it -- like, we won't use</p> <p>6 these people if we end up not naming them; is that right? Like,</p> <p>7 if we name them, obviously, we'll keep the deposition open for</p> <p>8 you to ask any questions about it or are you saying --</p> <p>9 MR. HERBERT: Well, no, if you -- if you intend</p> <p>10 to name them --</p> <p>11 MR. MIRZA: Yeah.</p> <p>12 MR. HERBERT: -- then we want the names now.</p> <p>13 MR. MIRZA: Yeah -- oh, okay. So we can never</p> <p>14 use them is what you're saying.</p> <p>15 MR. HERBERT: That's what I understood Zach's</p> <p>16 Option 3 to mean. I -- I could have misunderstood, but that's</p> <p>17 what I misunderstood. And, Zach, I don't believe you're mic'd</p> <p>18 up and I don't know that you are either, so...</p> <p>19 MR. MIRZA: I think they can hear us, though,</p> <p>20 because there are mics here.</p> <p>21 THE WITNESS: I've got one.</p> <p>22 MR. HERBERT: Oh, okay, okay. Good. Just</p> <p>23 because I know the folks on Zoom might -- might not be hearing</p> <p>24 quite as well.</p> <p>25 MR. DOLLING: I think that that's okay with us.</p>	<p style="text-align: right;">Page 212</p> <p>1 MR. DOLLING: -- let's get that agreement on the</p> <p>2 record, and then to the extent we want to hash things out</p> <p>3 further, I think I would prefer to do that with Kathleen because</p> <p>4 she was -- nothing --</p> <p>5 MR. HERBERT: No, no problem.</p> <p>6 MR. DOLLING: -- nothing wrong with you, but she</p> <p>7 was the original person with whom we -- we made these</p> <p>8 discussions.</p> <p>9 MR. HERBERT: That's -- that's no problem, that's</p> <p>10 no problem. I know I'm just picking up where she left off --</p> <p>11 MR. DOLLING: Yeah, and we'll forget about it.</p> <p>12 MR. HERBERT: -- so that's fine as long as we're</p> <p>13 all squared away on -- on this, then I think we're okay without</p> <p>14 the names and we can just leave it at that if that works for</p> <p>15 you-all.</p> <p>16 MR. DOLLING: Okay. That's good. Thank you.</p> <p>17 MR. HERBERT: Okay. Thank you. Yeah. Well,</p> <p>18 then, with that, then I -- I have no further questions, so...</p> <p>19 MS. MITTAL: And we don't have any redirect. So,</p> <p>20 with that, I guess we're done for the day.</p> <p>21 MR. HERBERT: Okay. Sounds good.</p> <p>22 MS. MITTAL: Thank you.</p> <p>23 MR. HERBERT: All right. Thank you, and thank</p> <p>24 you, Ms. Timm.</p> <p>25 COURT REPORTER: Before you go off the record, do</p>
<p style="text-align: right;">Page 211</p> <p>1 Oh, sorry. I think -- yeah, we're willing to agree to that now</p> <p>2 that --</p> <p>3 MR. HERBERT: Okay.</p> <p>4 MR. DOLLING: -- we will not use the unnamed</p> <p>5 individuals from today.</p> <p>6 MR. HERBERT: Okay. Sorry. You will not use a</p> <p>7 named individual from today?</p> <p>8 MR. DOLLING: No named -- unnamed individuals.</p> <p>9 MR. HERBERT: Oh, an unnamed -- unnamed</p> <p>10 individual from today.</p> <p>11 MR. DOLLING: The people that we were speaking</p> <p>12 about earlier but did not name.</p> <p>13 MR. MIRZA: There's three people; right? We've</p> <p>14 got three people?</p> <p>15 MR. HERBERT: I don't know. That's part of the</p> <p>16 -- the issue. That's as best that I can keep count, is that</p> <p>17 there might be up to three people, but there might be more.</p> <p>18 So...</p> <p>19 MR. MIRZA: And that doesn't include -- like,</p> <p>20 when we talk about members generally, right, we're not saying --</p> <p>21 like, we're not talking about not using the whole membership.</p> <p>22 Obviously we're going to try to identify members.</p> <p>23 MR. DOLLING: I feel like we should -- for now,</p> <p>24 we can agree to this --</p> <p>25 MR. HERBERT: Okay.</p>	<p style="text-align: right;">Page 213</p> <p>1 you need anything or are you good?</p> <p>2 VIDEOGRAPHER: (Nonverbal response.)</p> <p>3 COURT REPORTER: Okay. We can go off.</p> <p>4 VIDEOGRAPHER: We are off the record at 3 -- I</p> <p>5 mean -- sorry -- 5:35.</p> <p>6</p> <p>7</p> <p>8</p> <p>9</p> <p>10</p> <p>11</p> <p>12</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18</p> <p>19</p> <p>20</p> <p>21</p> <p>22</p> <p>23</p> <p>24</p> <p>25 (Whereupon, the proceedings were concluded.)</p>